

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ENZO BIOCHEM, INC. ET AL., :  
 :  
 Plaintiffs, :  
 :  
 vs. : 02-CV-8448 (RJS)  
 :  
 AMERSHAM PLC, et al., :  
 :  
 Defendants, :  
 :  
 AND RELATED CASES NAMING :  
 :  
 MOLECULAR PROBES, INC., PERKINELMER, : 03-CV-03817 (RJS)  
 INC., PERKINELMER LIFE SCIENCES, INC., : 03-CV-03819 (RJS)  
 ORCHID BIOSCIENCES, INC., AFFYMETRIX, : 03-CV-03816 (RJS)  
 INC., ROCHE DIAGNOSTICS GMBH, AND : 04-CV-01555 (RJS)  
 ROCHE MOLECULAR SYSTEMS, INC. AS : 04-CV-04046 (RJS)  
 DEFENDANTS AND/OR DECLARATORY : 03-CV-08907 (RJS)  
 JUDGMENT PLAINTIFFS, :  
 :  
 and : **ORAL ARGUMENT**  
 : **REQUESTED**  
 YALE UNIVERSITY, :  
 :  
 Nominal Defendant. :

**NOTICE OF DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the Memorandum in Support of Defendants' Joint Motion for Summary Judgment, dated October 11, 2011, the accompanying Declaration of Robert J. Gunther, Jr. and the exhibits attached thereto, the Defendants' Joint Statement Pursuant to Local Rule 56.1, and upon all the papers and pleadings filed in these actions, defendants and/or declaratory judgment plaintiffs Affymetrix, Inc., Amersham plc, Amersham Biosciences, Molecular Probes, Inc., Orchid Biosciences, Inc., PerkinElmer Life Sciences, Inc., PerkinElmer, Inc., Roche Diagnostics GmbH, and Roche Molecular Systems, Inc., by the undersigned

attorneys, will move this Court before the Honorable Richard J. Sullivan, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, on a date to be determined, for an Order pursuant to Federal Rule of Civil Procedure 56 granting Defendants' Joint Motion for Summary Judgment.

Dated: October 11, 2011

Respectfully submitted,

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